



# City of Carmel

## **CARMEL PLAN COMMISSION SUBDIVISION COMMITTEE**

### **Minutes**

**TUESDAY, JANUARY 3, 2006**

**LOCATION: CAUCUS ROOMS  
CARMEL CITY HALL  
ONE CIVIC SQUARE  
CARMEL, IN 46032**

**TIME: 6:00 P.M.  
DOORS OPEN AT 5:30 P.M.**

Those Present:

**Representing the Committee:**

Kevin Heber  
Rick Ripma  
Susan Westermeier

**Representing the Department:**

Adrienne Keeling

**Of Counsel:**

John Molitor

Rick Ripma called the meeting to order at 6:04 p.m.

**The Subdivision Committee will meet to consider the following items:**

**1. Docket No. 05120002 OA: Patch VI – Ordinance Amendment**

The applicant seeks to Amend Chapter 6: Standards of Design and Chapter 9: Plat Certificates, Deed of Dedication of the Carmel Subdivision Control Ordinance.

The applicant seeks to Amend Chapter 3: Definitions; Chapter 5: S-1/Residence District; Chapter 23C: US Highway 421 – Michigan Road Corridor Overlay Zone; Chapter 23F: Carmel Drive - Range Line Road Overlay Zone; Chapter 25: Additional Use Regulations; Chapter 25.07: Sign Ordinance and Appendix A: Schedule of Uses of the Carmel Zoning Ordinance.

Filed by the Carmel Department of Community Services.

**Present for the Petitioner:** Adrienne Keeling with the Department of Community Services

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**Present from the Public:** Joseph Calderon with Bose, McKinney, and Evans, Steve Pittman with Pittman Partners, and Zeff Weiss with Ice Miller.

**Petitioner's Presentation:** Adrienne Keeling said that the petition was called Patch VI and it sought to amend several chapters of the Subdivision Control Ordinance and the Carmel Zoning Ordinance. She said that the proposal is a petition to add provisions and language for gates and/or private streets, as well as subdivision wall language in Ch. 6 of the Subdivision Control Ordinance, make some minor corrections to the plat certificates in Chapter 9, and adding definitions in the Zoning Ordinance for permanent and temporary signs in Chapter 3, remove mineral extraction language from the S-1 district of Chapter 5 and change some standards for retail in the area of the Michigan Road overlay North of 106<sup>th</sup> street, allow projecting signs in the Carmel Drive-Rangeline Road overlay, clarify some language for private swimming pools, further clarify the Subdivision fence or wall standards, further clarify the projecting sign being allowed in the Carmel Drive-Rangeline Road overlay, reduce square footage for subdivision construction signs and real estate signs, and clarify the language that outline the interim signs pending permanent sign approval. She said that in Appendix A, they are proposing to change it to allow restaurants in the B-7 and B-3 districts, and then, to remove the mining provision. She said that the larger issues at the December 20, 2006 Plan Commission meeting included the gated subdivision and private streets language, the U.S. 421 changes, as well as the changes to mining. She noted that Mark Rattermann also had some concerns about reducing the square footage for commercial real estate signs.

Rick Ripma suggested that the Committee start by discussing the corrections to the Plat Certificates in Chapter 9.

Adrienne Keeling said that the changes fix some old language and bring things more up to date. She noted that the developers and subdividers use the language to put on the mylar plats that the Department reviews and signs on a daily basis. She said that when they are wrong, the Department is always having to ask the developers and subdividers to correct it, when they should be correct right here in the ordinance.

Rick Ripma asked if that was the way it should be anyway.

Adrienne responded yes. She noted that in some instances they have taken out names and put more general terms.

Susan Westermeier clarified that it was now the Carmel Plan Commission. She also clarified that they were just addressing 9.01.

Adrienne Keeling commented that it was addressing 9.01, 9.03, and 9.04.

Susan Westermeier commented that she didn't see any issues with it.

Rick Ripma asked if these could be approved individually.

John Molitor commented that he thought that would make sense because of the fact that there are some contentious topics included. He said that he recommend that the Committee sever those contentious topics from the rest of the Ordinance. He said that the Committee can treat those as different proposals. He said that the clean up stuff should be approved one by one and then could probably be recommended back to the Full Plan Commission.

Docket Number 05120002 OA: Patch VI, Chapter 9: Plat Certificates was forwarded back to the full Plan Commission with unanimous consent.

Adrienne Keeling said that Chapter 3 amendments start on page 4. She said that the addition of permanent and temporary signs came out of a code enforcement action in the Home Place area. She said that the Carmel Legal Department asked that the Department of Community Services consider writing these definitions in the zoning ordinance just to make it clear what the definition of a permanent sign and a temporary sign is. She said that at the bottom of page four, they are just proposing to add the words, “ And within the Carmel Drive-Rangeline Road overlay”.

Susan Westermeier asked what the signs were before in the Carmel Drive-Rangeline Road overlay.

Adrienne Keeling said that the Carmel Drive-Rangeline Road overlay originally had a section in the ordinance that cited that the signage in the Carmel Drive-Rangeline Road overlay would be the same sign ordinance for the Old Town overlay which did allow projecting signs. She said that there were some mismatches with some sign setbacks that didn't match with the intent of the Carmel Dr.-Rangeline Rd. overlay and the section from the Old Town Overlay was deleted and the provisions for the projecting signage in the Carmel Drive-Rangeline Road Overlay ordinance.

Rick Ripma clarified that it would be a signage type that the City would encourage, but it got left out.

Susan Westermeier clarified that there was no change to the maximum square footage allowed.

Rick Ripma said that relating to the temporary and permanent sign definitions, if a temporary sign is kept up for more than a year, then what happens?

Adrienne Keeling said that the sign permit would have to be renewed.

Rick Ripma asked if it would have to go to a permanent sign permit upon renewal.

Adrienne Keeling responded that temporary sign status could be renewed on a yearly basis. She said that by applying for the temporary sign permit, the expectation is there that the sign will not be needed beyond a year.

Rick Ripma asked what the difference was between a permanent and temporary sign, other than that the temporary sign permit must continually be renewed.

Adrienne Keeling said that temporary signs are generally for sale signs, for lease signs, subdivision

construction signs, and real estate signs.

Rick Ripma asked about model home signs.

Adrienne Keeling said that they would be considered temporary signs and they would have to be renewed if up longer than a year.

Rick Ripma asked if there was an advantage to either type of sign.

Discussion ensued on the limitations of renewals of temporary sign permits.

Susan Westermeier said that she didn't see any problem with the two definitions.

Rick Ripma said that he sees an inconsistency because by definition any sign that will be up longer than a year can be classified as permanent.

John Molitor added that he thinks that the Department wants to review them every year so that the signs do not become permanent.

Zeff Weiss added that he felt there was an inconsistency because in a subdivision that intends to build out in longer than one year, the sign already doesn't fit the definition of the temporary sign in the proposed ordinance.

John Molitor suggested that maybe the "subdivision construction signs" language be excluded from the definition.

Discussion ensued about changing the language of the definition of the Permanent Sign to include, "other than a Subdivision Construction Sign." And adding the words "A Subdivision Construction Sign and" to the definition for a temporary sign.

Rick Ripma clarified the verbiage change that had been made.

Adrienne Keeling read the proposed changes to the verbiage aloud.

Docket Number 05120002 OA: Patch VI, Chapter 3: Definitions was forwarded back to the full Plan Commission with some proposed verbiage changes and with unanimous consent.

Susan Westermeier made a motion to sever the Chapter 5:S-1/Residence District change and remove the mineral extraction language from Docket Number 05120002 OA: Patch VI-Ordinance Amendment and instruct the Plan Commission to initiate a new ordinance that would be a separate ordinance amendment with public notice being redone.

Motion was approved 3-0.

Susan Westermeier made a motion to sever the Chapter 23C: US Highway 421 – Michigan Road Corridor Overlay change and remove the square footage ordinance amendment from Docket Number 05120002 OA: Patch VI-Ordinance Amendment and instruct the Plan Commission to initiate a new ordinance that would be a separate ordinance amendment with public notice being redone.

Motion was approved 3-0.

Adrienne Keeling said that 6.03 is basically an allowance that provides language for the establishment of private streets. She said that the request for this language came from the Plan Commission after several subdivision petitions for private streets.

Rick Ripma clarified that the City of Carmel didn't have anything in their ordinances addressing this issue.

Joe Calderon, with Bose McKinney of 600 E. 96<sup>th</sup> Street, said that he had represented a couple of developers who had done gated communities and that he thinks that there is a consensus among those developers that standards would be a good thing going forward. He said that from his perspective in trying to represent those developers, which he noted that he was not hired to do, the concerns that he has are that the date of the hearing fell during a vacation week for kids in the Carmel-Clay School district and that all three of the clients that he has represented that have done gated communities before are out of town. He said that the first section about street function doesn't really make sense to him.

Zeff Weiss added that he felt that this ordinance should be harmonized with the other ordinance which requires a stub street. He said that petitioners would be asking for a waiver in order to comply with the gated community ordinance. He said that he thought that there was some case law which established that a gate was a nuisance on a public or private street.

John Molitor said that he would look into that.

Joe Calderon said that in item number 4 of the proposed ordinance, the acceleration/deceleration lanes and passing blister would not necessarily apply to every subdivision because you may have a very small community on a street where there isn't enough room to do it and the traffic generated by the proposed gated community might not justify it. He said that he felt that the Plan Commission could require that when necessary and that there was no need for it to be a standard. He said that on number 5 he was questioning whether the City needed the developers to build it up to City standards if the streets were going to be private and there was no intention of dedicating them.

Adrienne Keeling said that she thinks that is a safeguard to the future if that Association were to petition the City to take that as its own public right of way, whether there's a gate or not.

Joe Calderon responded that if the Association would happen to petition the City at some point in the future, then the requirement could be enforced then. He asked for a specification of what type of financial guarantee would be involved in the standard listed as number 6.

Rick Ripma said that in the past, the Homeowner's association was required to bring in enough money to do any roadwork or maintenance that would have been required.

Joe Calderon asked if it was enough to have it in the Covenants and Restrictions that these are private streets and that the Homeowner's Association would be assessing the Homeowner's annually to provide maintenance for their maintenance. He clarified that the petitioners would not be required to produce a budget. He clarified that as far as public pedestrian access, as listed in 6.03.26 number 1, the expectation was to allow the public entry via bike path or pedestrian walk path. He said that it wouldn't truly be gated except from automobiles. He said that he thought that by providing the paths around the perimeter for continuity that would be enough.

Discussion ensued about availability and access in proposed gated communities.

Rick Ripma said that the reality is that gating is there for privacy but also for security. He said that he didn't think that there would be many joggers or bicyclists robbing homes. He said that the gates only provided a certain amount of security anyway.

Joe Calderon said that he felt that, with the 60 foot stacking area, one size doesn't fit all and he wanted to remind staff of that. He asked about the 6 ft. perimeter wall height noted in number 7.

Discussion ensued about maximum wall heights and the process of approving the perimeter wall height.

Rick Ripma asked if the Committee and the Plan Commission could review and approve the perimeter wall height. He asked if it should be eliminated.

Adrienne Keeling suggested that the perimeter wall height be subject to the approval of the Plan Commission and that the language be included in this ordinance.

Joe Calderon said that on 6.03.27 Walls that he thinks that some wood features would be nice and recommended a change in the language to read that, "no wall or fence which abuts an arterial, parkway, or collector roadway shall be constructed *primarily* of wood."

Susan Westermeier asked why this provision was included.

Adrienne Keeling responded that it was an attempt to avoid the alley affect.

Rick Ripma said that he agreed with adding "primarily".

Docket Number 05120002 OA: Patch VI, Chapter 6.03.20: Private Streets-Street Layout and Design Standards was forwarded back to the full Plan Commission with some proposed verbiage changes relating to the Perimeter Wall Height mentioned in 6.03.26, line 7 and to 6.03.27 Walls and with unanimous consent.

Adrienne Keeling introduced the intent of amending Zoning Chapter 23F: Carmel Drive-Range Line

Road Overlay. She said that the change was to add a provision to allow for projecting signage in the Overlay as it was inadvertently omitted from the original overlay ordinance.

Susan Westermeier said that she saw no problem with them being in that area.

Docket Number 05120002 OA: Patch VI, Chapter 23F: Carmel Drive-Range Line Road Overlay Signage Addition, Section 23F.13.04 was forwarded back to the full Plan Commission with unanimous consent.

Adrienne Keeling said that the next proposed amendment to discuss is in the Additional Use Regulations in Zoning Chapter 25. She said it was the addition of the word “and” in two places under Section 25.01.01.(C)(8(a): Private Swimming Pool. She said that this was a clarification initiated by one the building inspectors. She said that there was also another change in Section 25.02.01 fence section where they would add some language to be consistent with changes made in Section 6.03.27 of the Subdivision Control Ordinance. She clarified that the ordinance allows for fences in front yards up to 42 inches.

Discussion ensued about the definition of a front yard and scenarios where this would apply.

Susan Westermeier said that she thinks to keep consistent it should say “primarily wooden fences”...

Docket Number 05120002 OA: Patch VI, Chapter 25: Additional Use Regulations, Section 25.01.01.(C)(8(a) to add the word “and” and the proposed amendment to section 25.02.01 with the change “No primarily wooden fences” was forwarded back to the full Plan Commission with unanimous consent.

Adrienne Keeling said that the change to Chapter 25.07 Sign Ordinance was related to the amendment of Section 25.07.01-04: Prohibited Signs to read “Suspended Signs and Projecting Signs, except in Old Town Carmel and the Carmel Drive-Range Line Road Overlay Zone.”

Discussion ensued related to where projecting signs are currently located in the City of Carmel.

Adrienne Keeling pointed out that the proposed changes in Section 25.07.02-13: Old Town Carmel were of the same nature. That it was another section where the projecting signage language would need to be changed for consistency. She said that 25.07.03-01 addressed the proposed changes to the Subdivision Construction Signage. She said that the proposed changes are to reduce the square footage and to address the time limit.

Rick Ripma asked why they were asking for a reduction to 32 square feet.

Adrienne Keeling said that 64 square feet of signage is huge and that many of the newer subdivision construction signs are only 32 square feet anyway. She said that the Department felt that made sense, since it was already happening.

Discussion ensued about what potential sizes a 32 square foot sign would be.



Susan Westermeier asked if the Section of the ordinance could be changed even though it was not proposed as part of the ordinance amendment.

John Molitor answered that it could be changed.

Rick Ripma commented that he felt that the twenty percent limitation was way too high. He commented that the amount should not be a percentage remaining, but rather a number of lots remaining. He said that he doesn't feel that the 20 percent is fair. He said that he thinks it should be 2-4 lots, or if the models have been sold.

Kevin Heber said that he would tend to go more to the higher side of the lots remaining.

Adrienne Keeling said that the signs are allowed for a reason. She said that there could be a subdivision with two lots lingering for years.

Steve Pittman said that he could agree with what Rick Ripma was saying that if the developer no longer has a model home there that is staffed, then there should be a for sale sign in front of each house and maybe a directional sign on how to get to it.

John Molitor suggested that the limitation be five lots remaining subject to Staff discretion.

Steve Pittman said that the Committee could differentiate between a subdivision with model homes and one without them establishing the maximum number of lots remaining.

Discussion ensued about how the lots remaining amount would affect different subdivision sizes.

Rick Ripma suggested five lots remaining in the subdivision (including specs) should be the limitation.

Susan Westermeier asked if there should be anything added that it was at Staff's discretion.

Rick Ripma said that Staff's discretion had to be in there. He felt that was only way to make it fair.

Adrienne Keeling said that the Amendment to Section 25.07.03-03: Real Estate Signs was basically intended to reduce the square footages of the signage allowed on lots in residential zones over five acres from thirty-two to twenty square feet. She noted that the changes in the Business and Manufacturing Zones would increase the threshold to a lot less than ten acres. She noted that thirty-two square feet would be allowed for real estate signs in the Business and Manufacturing Zones for a lot greater than five acres located in the US Highway 31 or US Highway 421-Michigan Road Corridor Overlay Zones. She noted that this was because of the higher speeds and traffic on the highways. She said that the changes proposed to Section 25.07.04-03: Interim Signage Pending Permanent Sign would basically reformat the paragraph to make it more consistent with the format of the rest of the sign ordinance. She said that it was not a matter of changing those requirements only clarifying it and reformatting it to match the rest of the ordinance.



Docket Number 05120002 OA: Patch VI, Chapter 25.07: Sign Ordinance with one change to Section 25.07.03-01 item m) changing that the signage may stay so long as there are five lots for sale in the subdivision and subject to the Staff's discretion to extend the permit for another year if there are less lots than that and there is good reason to grant the extension was forwarded back to the full Plan Commission with unanimous consent.

Adrienne Keeling recapped that the changes to Chapters 5, 23C and Appendix A are being severed and re-noticed separately. She noted that rest of the ordinance would move forward as individually forwarded by the Subdivision Committee.

The meeting was adjourned at 8:00p.m.